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SUBJECT: NGUYEN VU BINH'S SENTENCE UPHELD ON APPEAL

REF: 03 Hanoi 3373

1. (U) The Appeals Court of Hanoi upheld activist Nguyen Vu Binh's sentence of seven years imprisonment and three years administrative detention at home during a May 5 hearing, according to press reports and family friends. Court and Ministry of Foreign Affairs officials refused to confirm the verdict to Embassy.

2. (U) Binh, a former journalist for Tap Chi Cong San (Communist Review), was detained in September 2002, and convicted on January 31, 2003, under article 80 (espionage) of Vietnam's Penal Code (reftel). The appeal trial was closed to the public, press, and foreign diplomats. Binh's wife and father were allowed to attend, but his brother, two sisters, and mother-in-law were barred from the courthouse. Binh was represented by two lawyers of his choosing, however. Binh's family members reported to journalists that he had pleaded not guilty during the appeal, and plans a hunger strike to protest the result.

3. (SBU) Outside the court gates, uniformed and plainclothes police attempted to herd family members and observers away from the courthouse. In addition to Binh's family, several political activists, including Hoang Minh Chinh, an ex-general secretary of the Vietnam Union of Youth Associations, stood outside the courthouse talking to journalists and demonstrating their support to the family. The atmosphere became difficult when a number of unidentified women came to the area and started manhandling and screaming at family members. When police took no action to protect the peaceful observers, journalists and diplomats stood between the family members and their tormenters. Eventually, a police officer commanded police to restrain the aggressive individuals. Binh's family later told journalists that, after international observers left the scene, the women returned and assaulted Binh's sister, leaving her with scratches and bruises, while police did nothing to help.

4. (SBU) Comment: The refusal to reduce the sentence is disappointing, and somewhat of a surprise in light of what we had heard had been many statements of support made behind the scenes by long-standing CPV members and friends. After the reduction of the sentence of Pham Hong Son in August and those the nephews and niece of Father Nguyen Van Ly in November, as well as the relatively lenient sentence given to Tran Dung Tien in November, it looked as if the GVN might be beginning to understand the importance to its international image of making gestures of judicial leniency and forgiveness. Likely, Binh's refusal to admit guilt or express remorse was considered by the court (and CPV) as yet another hostile political gesture, hence obviating hopes for a reduction. The apparently new tactic of female storm troopers attacking family members and observers outside the court is bizarre and so far inexplicable.

BURGHARDT